

## **SUPPORTING STATEMENT**

### **Request for Hearing on a Decision**

#### **in Naturalization Proceedings Under Section 336**

**(Form N-336)**

**OMB No. 1615-0050**

**A. Justification.**

1. **General Requirement.** Section 336 of the Immigration and Nationality Act was amended extensively by sections 407(c)(17) and 407(d)(14) of the Immigration and Nationality Act of 1990 to substitute hearings before immigration officers for final hearing before judges. Prior to the Immigration Act of 1990, there were no provisions for an applicant to appeal a denial of an Application to File a Petition for Naturalization. At that time, the applicant filed a petition before a court, the U.S. Citizenship and Immigration Services (USCIS) opposed, and the applicant submitted to the judgment of the court. The Immigration Act of 1990 introduced administrative naturalization, abandoned the Application for Naturalization, and instituted provisions for an appeal process to an Immigration Officer in the case of a denial.
2. **Purpose of Information Collection.** This form provides a method for applicants, whose applications for naturalization are denied, to request a new hearing by an Immigration Officer of the same or higher rank as the denying officer, within 30 days of the original decision. Prior to the Immigration Act of 1990, USCIS did not deny an application, but recommended a denial to the court. As such, there was no avenue of appeal from the denial

to USCIS.

3. **Information Technology.** The use of this form provides the most efficient means for collecting and processing the required data. In this case the USCIS does not employ the use of information technology in collecting and processing information. The USCIS currently displays Form N-336 on its public web site from which the form can be printed. Given the variations in supporting documentation required for this form and problems of verifying the source of the information, a completely automated submission system is not practicable at this time.
4. **Duplication of Effort.** The information collected on Form N-336 is not collected by the USCIS on any other form. A search of the USCIS forms inventory report revealed no duplication of effort and there is no other similar information currently available that can be used for this purpose.
5. **Impact on Small Entities.** This collection of information does not impact small businesses or other small entities.
6. **Importance of Information.** Form N-336 instituted an appeal process for those individuals whose attempts to become naturalized citizens had failed. Prior to the initiation of this form under the Immigration and Nationality Act of 1990, there was no recourse available for those who had been turned down.

7. **Special Circumstances.** The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.
8. **Public Comments.** The USCIS published a notice in the Federal Register on May 16, 2005 at 70 FR 25842. The notice allowed 60 days for public review and comment. The USCIS received no public comments on this proposed information collection.
9. **Payment or Gifts.** The USCIS does not provide payment or gifts to respondents for a benefit sought.
10. **Assurance of Confidentiality.** There is no assurance of confidentiality for immigrants applying for the benefits of naturalization.
11. **Questions of a Sensitive Nature.** There are no questions of a sensitive nature.
12. **Annual Reporting Burden:**
  - a. Number of Respondents 7,669
  - b. Number of Responses per each Respondent 1
  - c. Total Annual Responses 7,669
  - d. Hours per Response 2.75
  - e. Total Annual Reporting Burden Hours 21,090
  - f. Total Public Cost \$ 2,243,183

**The total annual reporting burden hours for this information collection is 21,090.**

This figure was derived by multiplying the number of respondents 7,669 by the frequency of response (1) by the hours per response (2.75). This estimation is based on prior is based on prior INS experience with the program.

### **Public Cost**

**The total annual cost burden for respondents is \$ 2,243,183.** This figure is based on the total number of respondents 7,669 multiplied by 165 minutes (2.75 hours per response) x \$10 (average hourly rate), plus the number of respondents 7,669 multiplied by the fee charge of \$265.

13. **Start-Up Costs.** There are no capital or start-up costs associated with this information collection. There is a \$265 fee charge for this information collection.

14. **Factors for determining Cost to the Federal Government and to the Public.** The cost determination was based upon the following Annualized Cost Analysis:

a. Printing Cost	\$ 2,071
b. Collecting and Processing	\$ 2,030,214
c. Total Cost to Program	\$ 2,032,285
d. Fee Charge	\$ 2,032,285
e. Total Cost to Government	\$ 0

### **Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (7,669) multiplied by the \$265 fee charge (which includes the suggested average hourly rate for clerical, officer, and supervisory time with benefits). In addition, this figure includes the estimated overhead cost for printing, stocking, and distributing the form.

15. **Changes in the Burden Hours.** There is no increase or decrease in the estimated burden hours previously reported for this collection of information. There has been an increase in the fee amount from what was previously reported.
16. **Published Results.** The USCIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. **Expiration Date.** The USCIS is not seeking to waive the display of the expiration date of the OMB approval for this information collection.
18. **Exception to Certification.** The USCIS does not request an exception to the certification of this information collection. Please see attached Item 19 of Form OMB 83-I.

### **B. Collection of Information Employing Statistical Methods.**

Not Applicable.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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Richard A. Sloan  
Director  
Regulatory Management Division  
U.S. Citizenship and Immigration Services

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Date